


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tsao et al.
Serial No. 09/909,317
Filed: July 18, 2001
For: **GENETIC MARKER TEST FOR LUPUS**
Examiner: -- Unit: --

DECLARATION OF CHRISTINA M. TONG

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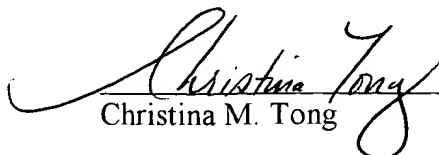
1. I, Christina M. Tong, residing at 501 E. Live Oak #103 Arcadia, CA 90016, declare that I have personal knowledge of the facts asserted herein and that I could competently testify thereto if called as witness in a court of law.

2. I have been employed as a legal assistant at Sidley Austin Brown and Wood LLP, Los Angeles office, 555 West Fifth Street, Suite 4000, Los Angeles, CA 90013, since April 21, 2003.

3. On Wednesday October 29, 2003, the employment of Larry Gordon, another legal assistant to the Intellectual Property group at Sidley Austin Brown and Wood LLP, Los Angeles office, was terminated.

4. Upon Mr. Gordon's termination I became responsible for his assignments, including the processing of communications from U.S. and foreign patent offices and the calendaring of appropriate responses. On Saturday November 1, 2003 I catalogued a number of overdue tasks that were scheduled on Mr. Gordon's Outlook task list. The following week the attorney involved in this matter, Nisan A. Steinberg, brought to my attention that a response to Notice to File Missing Parts was never done for the above-captioned application (Attorney Docket No. 18810-82152) and requested that I investigate the circumstances surrounding this unintentional lapse.

5. Upon checking the list of overdue tasks which I had just compiled from Mr. Gordon's task list, I discovered that a task alert had been set up for response to the Notice to File Missing Parts for the above-captioned application (Attorney Docket No. 18810-82152), but that it had never been transmitted to the responsible attorney for addition to the attorney's personal docket calendar, as is customarily done in our office. Moreover, with the help of Sidley Austin Brown and Wood's computer support team, I was able to establish that the calendared task for filing the response to Notice to File Missing Parts in connection with the above-captioned application was originally created by Mr. Gordon, on June 11, 2002 (see, **Exhibit 1**), after the date when the above-captioned application had already technically gone abandoned.


Christina M. Tong
1/14/04
Date